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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

MICHAEL BROWN,

Plaintiff,

v.

MIKE RATCLIFF, et al.,

Defendants.

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CIVIL ACTION NO. V-03-126

**MEMORANDUM OPINION AND ORDER**

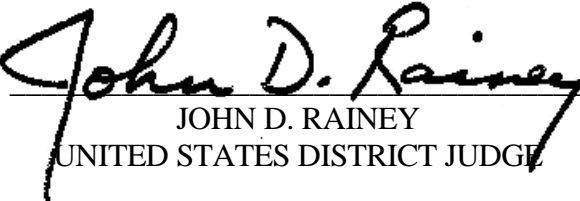
Michael Brown, a former state prisoner, filed a civil rights complaint along with an application to proceed *in forma pauperis*. The court granted Brown permission to proceed as a pauper and ordered him to pay the filing fee according to the provisions of 28 U.S.C. § 1915(b). Brown was subsequently released from prison but was still obligated to pay the filing fee. *See Gay v. Texas Department of Corrections State Jail Division*, 117 F.3d 240, 241 (5<sup>th</sup> Cir. 1997). Because Brown had already paid \$ 35.00 but had not made any further payments in ten months, the court ordered him to pay \$ 15.00 to the District Clerk on June 1, 2005, and to continue paying \$ 15.00 on the first day of each following month until the remainder of the filing fee (\$ 105.00) was paid. The Order warned Brown that failure to comply as directed may result in a dismissal of his complaint for want of prosecution. Brown has not made any payment nor has he filed any response since the court issued its Order. Brown's failure to pursue this action forces this court to conclude that he lacks due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. FED.R.CIV.P. 41(b); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5<sup>th</sup> Cir. 1995). Brown is advised, however, that upon a proper showing, relief from this order may be granted in accordance with FED.R.CIV.P. 60(b). *See Link v. Wabash R.R.*, 82 S.Ct. 1386 (1962).

Accordingly, it is hereby **ORDERED** that this action be **DISMISSED** without prejudice for want of prosecution.

The Clerk shall send copies of the Memorandum Opinion and Order to the parties.

**SIGNED** on this 8th day of July, 2005.

  
JOHN D. RAINEY  
UNITED STATES DISTRICT JUDGE